

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BALMORE HERNANDEZ-CASTRO
and SANTOS ROSENDO
HERNANDEZ,

Defendants.

4:21-CR-3079

ORDER

The government has filed a motion to continue trial in this case for one day—from Monday, August 8, 2022 to Tuesday, August 9, 2022—because several of the government's witnesses are unavailable on Monday. [Filing 64](#). The Court will deny that motion.

The Court's calendar for August and September is unusually congested. And a number of hearings are set for Thursday, August 11 and Friday, August 12 that might need to be moved if trial in this matter pushes later into the week—with no clear landing spots for them on the Court's schedule. In addition, the Court anticipates that jury orientation, jury selection, preliminary jury instructions, and opening statements are likely to occupy most of the first day of trial—particularly because there are two defendants, and because the current COVID situation may require the Court to use its "pandemic procedures" for jury selection and split the venire for voir dire.

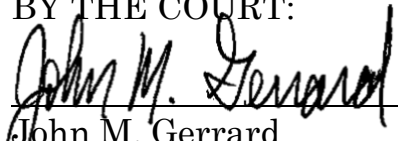
In other words, most of Monday's work can be done without any witnesses, and the Court doesn't have a day to waste when, in the Court's view, it can be used productively. The government is *encouraged* to consider whether any of its witnesses might be available to kick things off Monday afternoon, time permitting. But if not, the jury can still be selected and prepared to start

hearing evidence, and the Court can take up any other business that needs to be settled (such as, for instance, pretrial motions or any necessary *Missouri v. Frye* hearings), and then adduction of evidence can be started promptly on Tuesday morning. Accordingly,

IT IS ORDERED that the government's motion to continue ([filing 64](#)) is denied.

Dated this 26th day of July, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge